

LAND RECLAMATION COMMISSION

STATE OF MISSOURI

P.O. BOX 176

JEFFERSON CITY, MISSOURI 65102

573-751-4041

Permit To Engage in Surface Mining

LAND RECLAMATION COMMISSION

ISSUES TO

E.B.S. BACKHOE SERVICE, INC.

Pursuant to "The Land Reclamation Act," RSMo, 2001, and on conformity with the statements

In the application, a permit is hereby granted to engage in surface mining of
sand & gravel in the state of Missouri. The extent of the

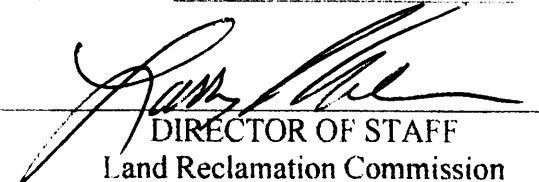
Proposed mining operation(s) will be on two acres, more or less.

The locations of the operation(s) under this permit is/are as follows: Renewal

County	Section	Township	Range	Acres Renewed	Acres New	Total Acres	Site/Stream Name	Site Number
Wayne	08	27N	04E	2	0	2	Brushy Creek	0818

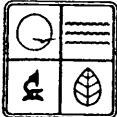
This permit may be suspended or revoked upon violation of any or all of the conditions set forth in "The Land Reclamation Act," RSMo. 2001, or in such rules and regulations as are promulgated pursuant thereto by the Land Reclamation Commission.

IN WITNESS WHEREOF I have hereunto set my hand this 25th day of August 2004


DIRECTOR OF STAFF
Land Reclamation Commission

Permit No. 0815
Effective Date 09/27/2004
Expiration Date 09/26/2005

MO 780-1122 (6-95)



MISSOURI DEPARTMENT OF NATURAL RESOURCES
LAND RECLAMATION COMMISSION
PERMIT RENEWAL FOR INDUSTRIAL MINERAL MINES

RECEIVED

AUG 23 2004

P.O. BOX 176
JEFFERSON CITY, MO 65102-0176
MISSOURI LAND

NAME OF CORPORATION, COMPANY, PARTNERSHIP OR INDIVIDUAL E.B.S. Backhoe Service		DATE 8/19/04	
ADDRESS Rt 3 Box 3691		CITY Piedmont	STATE mo
CONTACT PERSON Gene Sutton		ZIP CODE 63957	
		TELEPHONE NUMBER 573-223-7436	

FEES: COMPLETE SECTION I OR SECTION II

SECTION I. Fees: Open pit operators and those mining more than 5,000 tons of sand and/or gravel:

1. To compute the site fee complete the information below:

SITE NAME OR NUMBER (add a separate sheet for additional sites)	Mark each month that the site will be operated during the permit year	For sites operated less than six months per permit year pay \$150 For sites operated six months or more per permit year pay \$300
1.	Jan, Feb, Mar, Apr, May, Jun, Jul, Aug, Sep, Oct, Nov, Dec	\$
2.	Jan, Feb, Mar, Apr, May, Jun, Jul, Aug, Sep, Oct, Nov, Dec	\$
3.	Jan, Feb, Mar, Apr, May, Jun, Jul, Aug, Sep, Oct, Nov, Dec	\$
4.	Jan, Feb, Mar, Apr, May, Jun, Jul, Aug, Sep, Oct, Nov, Dec	\$
5.	Jan, Feb, Mar, Apr, May, Jun, Jul, Aug, Sep, Oct, Nov, Dec	\$
6.	Jan, Feb, Mar, Apr, May, Jun, Jul, Aug, Sep, Oct, Nov, Dec	\$
7.	Jan, Feb, Mar, Apr, May, Jun, Jul, Aug, Sep, Oct, Nov, Dec	\$
8.	Jan, Feb, Mar, Apr, May, Jun, Jul, Aug, Sep, Oct, Nov, Dec	\$
9.	Jan, Feb, Mar, Apr, May, Jun, Jul, Aug, Sep, Oct, Nov, Dec	\$
10.	Jan, Feb, Mar, Apr, May, Jun, Jul, Aug, Sep, Oct, Nov, Dec	\$
TOTAL SITE FEE		\$

2. Acreage Fee \$5 X _____ number of acres bonded\$

3. Annual Permit Fee.....\$ 500

4. Total Fee (Add totals from 1, 2 and 3).....\$

NOTE: If Total Fee exceeds \$2,500.00 then pay only\$ 2,500

SECTION II. FEES: Sand or gravel operators mining less than 5,000 tons per year:

1. Annual Permit Fee.....\$ 300

SIGNATURE OF APPLICANT <i>Gene Sutton</i>		TITLE owner	DATE 8/19/04	
Appeared before me this <u>19</u> day of <u>Aug</u> , 20 <u>04</u> , <i>Gene Sutton</i> to me personally known, who executed the above as their free acts and deeds.				
NOTARY PUBLIC EMBOSSEER SEAL	STATE OF Mo	COUNTY (OR CITY OF ST. LOUIS) Waipre		
	SUBSCRIBED AND SWORN BEFORE ME, THIS <u>19</u> DAY OF <u>Aug</u> YEAR <u>2004</u>		USE RUBBER STAMP IN CLEAR AREA BELOW.	
	NOTARY PUBLIC SIGNATURE <i>Diana Lawson</i>	MY COMMISSION EXPIRES 5-14-05		
	NOTARY PUBLIC NAME (TYPED OR PRINTED) Diana Lawson			
FOR DEPARTMENT USE ONLY: APPROVED BY <i>[Signature]</i>		DATE APPROVED 8-24-04	PERMIT NUMBER 0815	EXPIRATION DATE 9-26-05



MISSOURI DEPARTMENT OF NATURAL RESOURCES
LAND RECLAMATION COMMISSION
SITE INFORMATION FORM

RECEIVED
AUG 23 1999

To be completed for each separate area of disturbance associated with mining operations. MISSOURI LAND RECLAMATION COMMISSION

SITE NAME OR NUMBER Brushy Creek	PERMIT NUMBER 0815
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COMPANY NAME E.B.S. Backhoe Service INC
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COUNTY Wayne	1/4 SECTION N.E. Corner N.E. Corner	SECTION 8
TOWNSHIP 27N	RANGE 4E	ACRES 2.43

RIVER OR STREAM NAME (FOR IN-STREAM ACRES) Brushy Creek
--

MINERAL COMMODITY SAND AND GRAVEL	ESTIMATED TONS/YEAR (FOR GRAVEL SITES) Less than 5000 TONS per year
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NAME OF LANDOWNER (ATTACH LIST IF MORE THAN ONE) Timothy G. Smith
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ADDRESS Route 1. Box 1470

CITY MILL Springs	STATE MO	ZIP CODE 63952
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SOURCE OF RIGHT TO MINE (CHECK ONE): <input type="checkbox"/> MINERAL DEED <input type="checkbox"/> WARRANTY DEED <input type="checkbox"/> OTHER (DESCRIBE):	<input checked="" type="checkbox"/> LEASE <input type="checkbox"/> VERBAL AGREEMENT	DATE OF AGREEMENT 8-13-99
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MINERAL RIGHTS OWNER (ATTACH LIST IF MORE THAN ONE) Same As Above
--

ADDRESS

CITY	STATE	ZIP CODE
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SOURCE OF RIGHT TO MINE (CHECK ONE): <input type="checkbox"/> MINERAL DEED <input type="checkbox"/> WARRANTY DEED <input type="checkbox"/> OTHER (DESCRIBE):	<input type="checkbox"/> LEASE <input type="checkbox"/> VERBAL AGREEMENT	DATE OF AGREEMENT
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NOTE: Each site must be shown on a map and be included in a public notice and an approved mine plan.



MISSOURI DEPARTMENT OF NATURAL RESOURCES
LAND RECLAMATION COMMISSION
STREAM PROTECTION PLAN - 10 CSR 40-10.020(2)(D)3
(Required for in-stream sites, or as required by the Director)

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MISSOURI LAND
RECLAMATION COMMISSION

TYPE OF PLAN
(CHECK ONE):

☐ SHORT TERM, FOR ONE PERMIT YEAR

☒ LONG TERM, FOR PERIOD THROUGH DATE: 9-15-2010 - DW 8-24-99 Company Name: EBS BACK HILL SC

DESCRIPTION OF STREAM CONDITION PRIOR TO LAND RECLAMATION COMMISSION PERMITTING (BY APPLICANT OR PRIOR OPERATOR), INCLUDING BANK CONDITION, BANK VEGETATION AND WATER QUALITY.

The area to be mined involves a 1 mile stretch of Brushy Creek ^{EAST} ~~NORTH~~ AND ^{WEST} ~~SOUTH~~ OF the Hwy 49 Bridge. Adjacent Lands bordering the Creek are in various stages of woodlands. The banks of the Creek are shallow. Creek may be considered a wet weather Creek as portions go dry during periods of the year.

DESCRIBE METHODS USED TO REDUCE DAMAGE TO STREAM BANKS, SUCH AS PROTECTING BANK VEGETATION, IF APPLICABLE.

Excavation of material will be from within Creek bed AND NOT ON BANKS, IN Areas where excavation will occur, streambed has widened in places to over 75 yds wide.

WE WILL STAY 5 FEET AWAY FROM THE STREAM BANK DW 8-24-99 W/BZ


DESCRIBE METHODS USED TO REDUCE DAMAGE TO STREAM ENVIRONMENTS, SUCH AS KEEPING ACTIVE MINING OPERATIONS ON GRAVEL BARS, RATHER THAN IN FLOWING WATER, AND KEEPING HAUL ROADS AWAY FROM FLOWING WATER, IF APPLICABLE.

Again, excavation will be in stream beds/Gravel bars. ONLY AFTER A HEAVY RAIN IS THERE SIGNIFICANT FLOWING WATER IN THIS MINING SITE. HAUL ROUTE WILL BE SELECTED THAT MITIGATES DAMAGES TO STREAMS. MINING WILL NOT BE CONDUCTED IF THE WATER IS FLOWING DW 8-24-99 W/BZ

Disturbance of Flowing Water During Mining Operation will be kept to a minimum. Mining will not be conducted if the water is flowing.

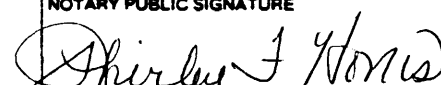
By my signature, I attest to the following:


- 1) All statements made on this Mine Plan Form are correct, complete, and true, to the best of my knowledge.
- 2) I or the company I am authorized to represent intend(s) to mine in accordance with this Plan, and in accordance with the Missouri Land Reclamation Act, Sections 444.760 through 444.789, RSMo (Supp. 1990), and all rules, regulations, orders, decisions and permits of the Missouri Land Reclamation Commission pertaining to my company's surface mining operations.
- 3) I have a valid agreement with all landowners which gives me the right to grant access to the Director of the Missouri Land Reclamation Commission and his authorized representatives, and I grant such access, and further where I have no right to grant such access, I have attached signed affidavits from the landowners granting such access.

SIGNATURE OF APPLICANT 	TITLE President	DATE 8-17-99
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Appeared before me this 17TH day of AUGUST, 19 99.

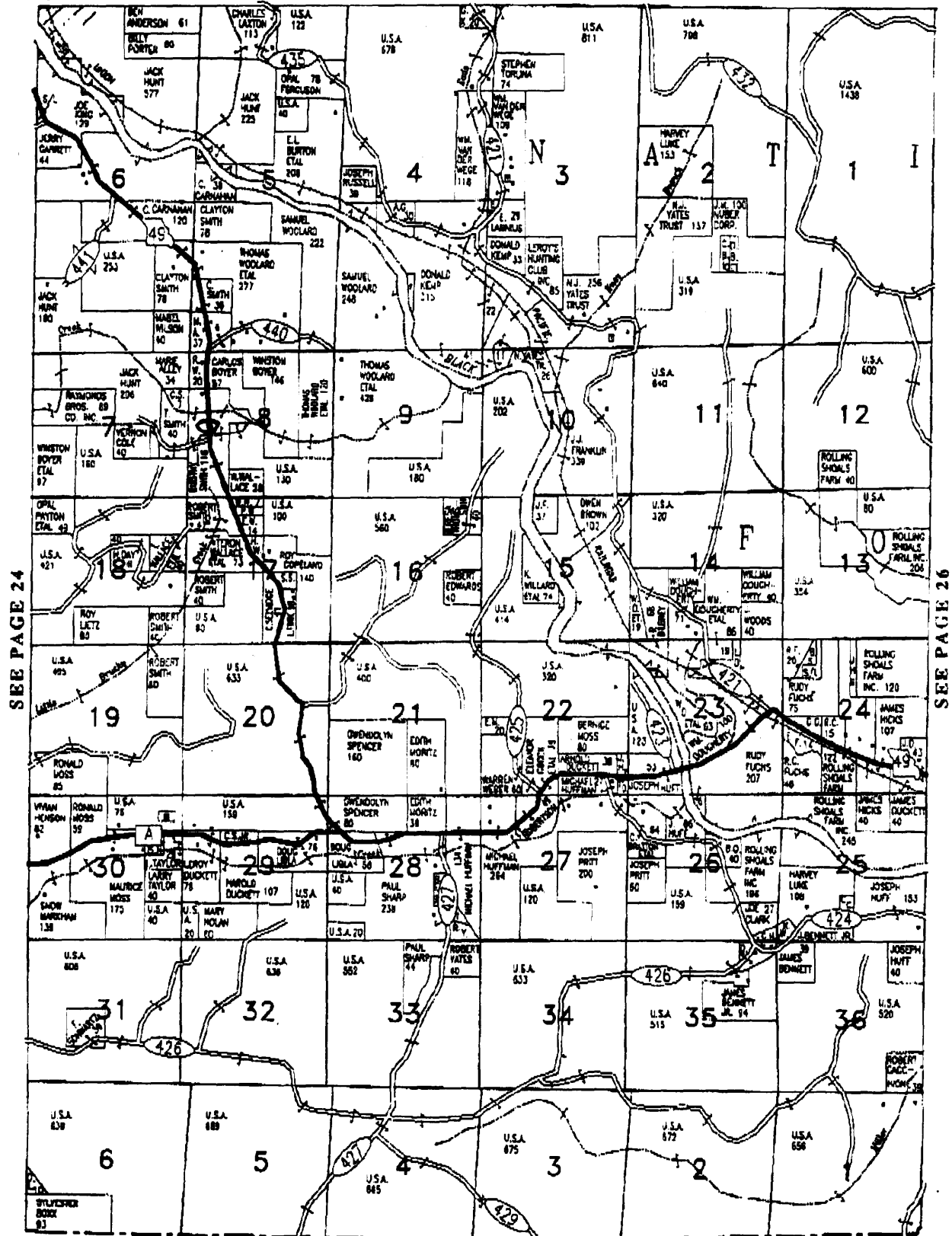
GENE SUTTON to me personally known,
who executed the above as their free acts and deeds.

NOTARY PUBLIC EMBOSSEER SEAL	STATE OF MISSOURI	COUNTY (OR CITY OF ST. LOUIS) WAYNE
	SUBSCRIBED AND SWORN BEFORE ME, THIS 17TH DAY OF AUGUST 19 99	
	USE RUBBER STAMP IN CLEAR AREA BELOW.	
NOTARY PUBLIC SIGNATURE 		SHIRLEY F. HOVIS Notary Public - Notary Seal State of Missouri County of Wayne My Commission Expires 06/10/2002
NOTARY PUBLIC NAME (TYPED OR PRINTED) SHIRLEY F. HOVIS		

APPROVED BY (DIRECTOR'S REPRESENTATIVE) 	TITLE LTS II	DATE APPROVED 8-27-99
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TOWNSHIP 27 - 26 • RANGE 4 E

SEE PAGE 19



BUTLER COUNTY

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TOTAL P.02

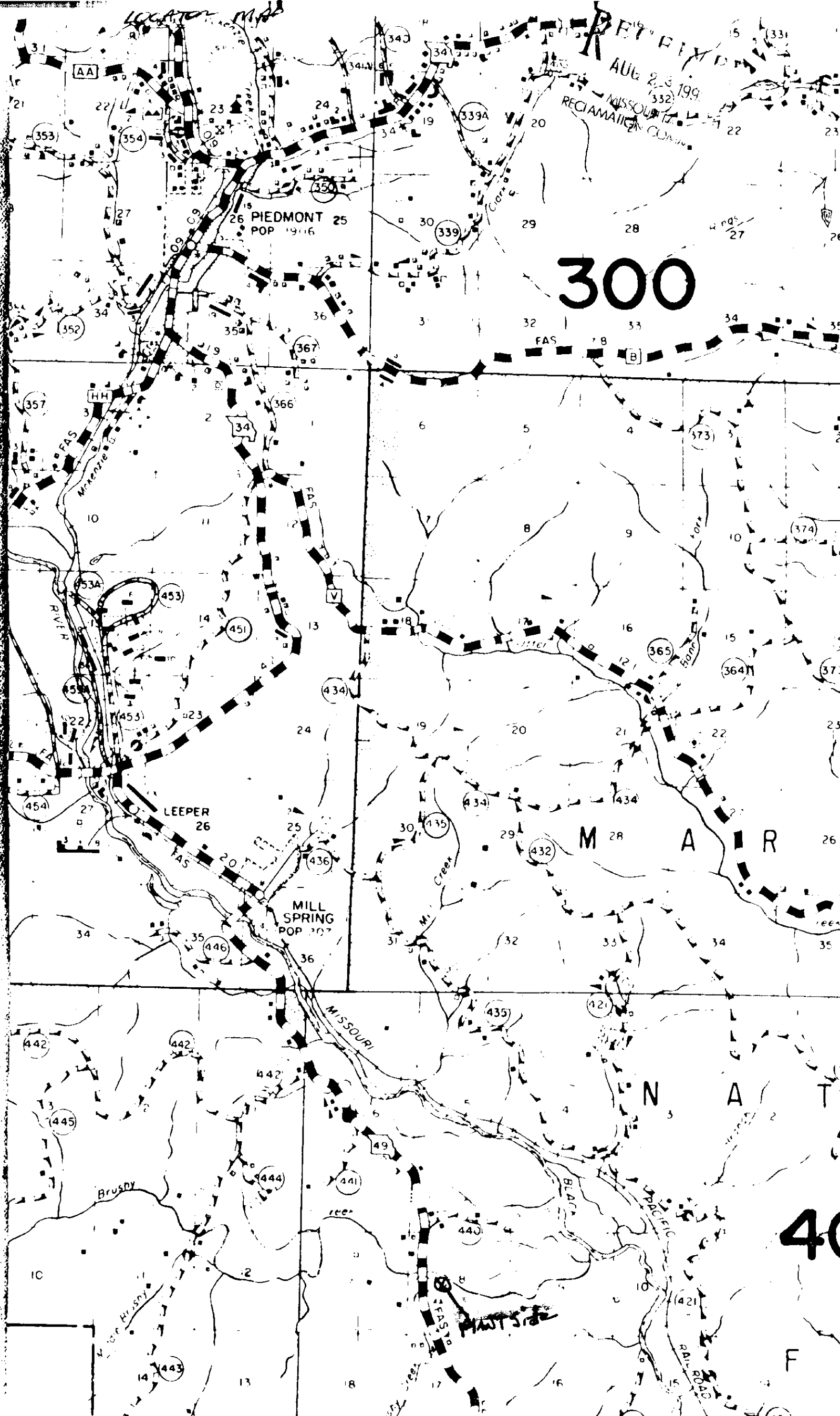
○ BRUSHY CREEK SITE = 2 ACRES

WAYNE COUNTY SECTION 8 TOWNSHIP 27N RANGE 4E

1" = 1 mile

E.B.S. BACKHOE SERVICE INC. # 815

8-27-99 DEN WALKER



300

400